

**In the United States District Court
for the Southern District of Georgia
Brunswick Division**

MARVIN B. SMITH, III & SHARON
H. SMITH,

Plaintiffs,

v.

HSBC BANK USA, N.A.; WELLS
FARGO BANK, N.A.; S. ANDREW
SHUPING, JR.; SHUPING, MORSE &
ROSS LLP; RUBIN LUBLIN, LCC;
BRET CHANESS; and PETER
LUBLIN;

Defendants.

No. 2:15-CV-70

ORDER

On March 22, 2017, Plaintiffs moved the Court to remand this case under the abstention doctrine set out in Younger v. Harris, 401 U.S. 37 (1971). Dkt. No. 47. Their motion was based on the fact that a state proceeding that Plaintiffs alleged to be parallel was pending before the Georgia Supreme Court. Id. at 7 (referencing case number S17C1005). That Court denied Plaintiffs' petition for writ of certiorari on June 30, 2017. See Sup. Ct. of Ga., 2017 Denied Certiorari Petitions, <http://www.gasupreme.us/granted-denied-petitions/2017-denied/> (last accessed July 6, 2017). Therefore,

Plaintiffs' Motion to Remand under the Younger Abstention Doctrine, dkt. no. 47, is **DENIED as moot**.

On April 3, 2017, Plaintiffs moved the Court to stay its ruling on Defendants' motion to dismiss until after it resolved their Younger remand motion. Dkt. No. 50. That motion is likewise **DENIED as moot**.

At the same time, Plaintiffs moved the Court to allow them another opportunity to amend their complaint in the event the Court would otherwise dismiss their case. Dkt. No. 51 at 3-5. The Court will take that request under consideration when it decides the motions to dismiss. The Clerk of Court is therefore **DIRECTED** to terminate the motion.

SO ORDERED, this 7th day of July, 2017.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA